

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

HUDSON SAVINGS BANK,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 05-11604-GAO
)	
GEORGE C. AUSTIN, III, AS)	
EXECUTOR OF THE ESTATE OF GEORGE)	
CLIFFORD AUSTIN, JR. A/K/A)	
G. CLIFFORD AUSTIN, II, GEORGE)	
C. AUSTIN, III, AS HEIR OF)	
GEORGE CLIFFORD AUSTIN, JR.,)	
A/K/A G. CLIFFORD AUSTIN, II,)	
THE UNITED STATES OF AMERICA,)	
and MASSACHUSETTS DEPARTMENT)	
OF REVENUE,)	
)	
Defendants.)	

ASSENTED MOTION TO DEPOSIT FUNDS INTO COURT

Now comes the Plaintiff in the above entitled action and moves to deposit excess funds into Court and to be discharged free of all liability thereupon.

Further, the Plaintiff requests that they be dismissed as a party to said litigation.

As grounds for said Motion, the Plaintiff states that through a foreclosure sale, there is a surplus of \$104,269.64.

All necessary parties have been served in the above-referenced case and the Plaintiff makes no claim to the surplus funds.

The defendants, the Massachusetts Commissioner of Revenue, the United States of America and George C. Austin, III, assent to the deposit of the surplus fund into court and the dismissal of the plaintiff from this action.

The Plaintiff states that it is in the best interest of all parties to allow the funds to be deposited into Court so as to not incur costs and expenses related to this action.

Respectfully submitted,

The Plaintiff
By its attorney

April 24, 2007

/s/ Daniel J. Burger
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I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on 04/24/07.

/s/ Daniel J. Burger